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WIOA BULLETIN NO. 14-16

DATE: October 4, 2016

TO: WIOA Partners

SUBJECT: Adult Program Eligibility and Priority of Service Policies and Procedures

Purpose

This bulletin transmits State requirements for Adult Program eligibility determination and priority of service policies and procedures.

Background

Eligibility criteria for the Adult Program is defined in the Workforce Innovation and Opportunity Act (WIOA) and regulations. They are used as a basis for state instructions to local areas for use in establishing eligibility policies and procedures for the Adult Program. Local Plans must also address the requirements in this policy.

The Workforce Investment Act required that if funds allocated to a Local Area for adult employment and training activities were limited, priority of service was to be provided to recipients of public assistance and other low-income individuals for intensive services and training services.

The WIOA made several changes to the priority of service requirement by adding individuals who are basic skills deficient as a priority population, changing intensive services to career individualized services, and removing the provision stating priority of service is only applied if funding is limited.

Veterans and eligible spouses continue to receive priority of service for all DOL funded programs amongst all participants. These requirements were not affected by the passage of the WIOA and must still be applied.

Policy

Effective immediately, instructions in the attached *Workforce Innovation and Opportunity Act Adult Program Eligibility and Priority of Service Policies and Procedures* are to be used by local staff to enroll participants in accordance with priority of service provisions.

Procedures

The WIOA priority of service provisions became effective July 1, 2015. Local Boards must implement the priority of service requirements immediately and establish local policies and procedures for priority of service by January 1, 2017.

Inquiries

Inquiries regarding this bulletin may be directed to Linda Sakamoto at (808) 586-9167 or Linda.Y.Sakamoto@hawaii.gov.

Attachments/Additional Resources

- Attachment - Adult Program Eligibility and Priority of Services Policies and Procedures



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c: ASO-WIOA Unit

Attachment



State of Hawaii

Workforce Innovation and Opportunity Act
Adult Program Eligibility and Priority of Service
Policies & Procedures

October 4, 2016



Table of Contents

TABLE OF CONTENTS 1
BACKGROUND 2
PURPOSE 2
ADULT AND DISLOCATED WORKER PROGRAM CHANGES 3
YOUTH PROGRAM CHANGES 4
REFERENCES 5
I. Intake and Participant File Contents 6
A. Intake System 6
1. Programs Requiring Eligibility Certification 6
2. Registration 6
3. Procedures for Exiting Ineligible Participants 7
4. Participation 7
5. Other Funds 8
B. Participant Files 8
1. Maintaining Adequate Information 8
2. Required File Contents 9
3. Eligibility Determination 10
4. Individual Service Strategy (ISS) / Individual Employment Plan (IEP) 11
II. Services for Adults and Dislocated Workers 11
A. Definitions 11
B. Eligibility for Adults and Dislocated Workers 15
1. Policy 15
2. Required Employment and Training Activities 15
C. Career Services 15
1. Priority 15
D. Required Career Services 16
E. Eligibility for Training Services 20
F. Required Training Services 21
G. Permissible Employment and Training Activities 22
H. Rule of Construction 24
I. Work Support Activities for Low-Wage Workers 25
J. Support Services 25
K. Needs Related Payments 25
L. Priority for Veterans 25
M. Concurrent Enrollment 27
N. Application Time Limit 27
O. Nondiscrimination 28
P. Verification of Lawful Presence 28
Q. Enforcement of Military Selective Service Act 28
Appendix 1, Adult Eligibility Flow Chart 29
Appendix 2, Priority of Service Documentation Table 30



Adult Program Eligibility and Priority of Service Policies and Procedures

BACKGROUND

President Barack Obama signed the Workforce Innovation and Opportunity Act (WIOA) into law on July 22, 2014. In general, the majority of WIOA provisions took effect on July 1, 2015; with some specifically noted exceptions effective on July 1, 2016. The WIOA supersedes the Workforce Investment Act (WIA) of 1998. As with the preceding WIA legislation, WIOA helps job seekers and workers succeed in the labor market by providing access to employment, education, training and support services while matching employers with the skilled people needed to compete in the global economy.

The creation of the One-Stop Career Center network began in 1992 and is the cornerstone of the public workforce development system. This network is currently branded nationally as American Job Centers (AJCs). WIOA promotes improvement in the structure and delivery of services through this system. It guides efforts to create a comprehensive, integrated and streamlined system to provide pathways to prosperity for those it serves and continuously improves the quality and performance of its services. As related to the targeted populations of the Adult, Dislocated Worker and Youth Programs, the goals of WIOA are to:

- Provide workforce investment activities that increase participants' employment, retention, earnings, and attainment of recognized postsecondary credentials, and as a result, improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet the skills requirements of employers, and enhance the productivity and competitiveness of the nation in the global economy.
- Remove disincentives to serving those who need the most help and improve participant access to education, training, and support services needed to secure and advance in employment with family-sustaining wages. This is particularly true for individuals with significant barriers to employment, such as some veterans, individuals with disabilities, out-of-school and at-risk youth.

PURPOSE

These "Eligibility Policies and Procedures" provide the requirements, instructions and guidance for implementation and management of the WIOA Adult, Dislocated Worker and Youth Programs. They are meant to assist County staff, Local Workforce Development Boards (Local Boards) and service providers with meeting contract specifications to achieve compliance with requirements established by the Federal government, the United States Department of Labor (DOL) and Hawaii's Workforce Development Council (WDC). This document will:

- Address significant changes from WIA that impact eligibility for the WIOA Title I Adult, Dislocated Worker, and Youth Programs;
- Provide criteria and documentation sources for establishing WIOA Title I program eligibility based on statute and the final regulations spanning WIOA Titles I–IV; and



Adult Program Eligibility and Priority of Service Policies and Procedures

- Content requirements for participant case files.

Service providers are required to document the eligibility of adult, dislocated worker, and youth populations served with WIOA funds. These guidelines describe each WIOA job seeker population and provides information and procedures for documenting and verifying eligibility within them.

ADULT AND DISLOCATED WORKER PROGRAM CHANGES

Major changes addressed in this guidance document are:

Applicable to Both Programs

- Removes the sequence of services that was required under WIA. A participant may receive services in any order that is deemed appropriate, if he/she meets certain requirements.
- Combines Core and Intensive services into "Career Services."
- Allows service providers to provide services to employers.
- Permits coordination with outside agencies to provide comprehensive services to participants.

Applicable to WIOA Adult Program Only

- Adds individuals who are "basic skills deficient" to the list of participants who must be given priority of service.
- Requires that priority of service considerations be factored in at all times rather than implementing priority of service only when funds are limited.
- Considers individuals receiving free or reduced lunch as "low income."

Applicable to WIOA Dislocated Worker Program Only

- Adds two new categories of individuals who may be served as dislocated workers: (1) spouses of members of the military on active duty and (2) separated military members.
- Adds dependent spouses of members of the Armed Forces on active duty as a category of individuals who may be served as displaced homemakers.



Adult Program Eligibility and Priority of Service Policies and Procedures

YOUTH PROGRAM CHANGES

- Raises the minimum percentage of funds required to be spent on out-of-school youth from 30 to 75 percent of youth allocations, minus administrative costs.
- Requires local workforce development boards to spend at least 20 percent of youth funds on paid and unpaid work experience.
- Adds five new Youth Program elements.
- Automatically deems youth living in a "high poverty area" as meeting any low-income eligibility requirement for participation in the youth program.
- Allows a local workforce development board to serve out-of-school youth who are not attending school but are required to attend school by making school attendance a priority and scheduling services outside of normal school hours.



Adult Program Eligibility and Priority of Service Policies and Procedures

REFERENCES

Guidelines and requirements for the WIOA Title I eligibility certification process are based on the DOL or WDC official source documents listed below. The DOL Training and Employment Guidance Letters (TEGLs) or WDC Bulletins referred to in this Chapter can be accessed at the links provided below:

1. The Workforce Investment and Opportunity Act of 2014 (WIOA or the Opportunity Act), Public Law (Pub. L.) 113-128, Title I; enacted July 22, 2014
<https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>
2. WIOA: Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions – Final Rule, effective October 18, 2016
<https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15977.pdf>
3. WIOA: Department of Labor Only – Final Rule, effective October 18, 2016
<https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15975.pdf>
4. Workforce Investment Act of 1998 (WIA), Pub. L. 105-220, *et seq*
https://www.doleta.gov/programs/laws_regulations.cfm
5. Innovation and Opportunity Network (ION): <https://wioa.workforce3one.org/index.aspx>
6. Department of Labor WIOA Page: http://www.doleta.gov/wioa/eta_default.cfm
7. Training and Employment Guidance Letter (TEGL) No. 23-14, *WIOA Youth Program Transition*, issued March 26, 2015.
http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4244
8. TEGL No. 41-14, *WIOA or Opportunity Act Title I Training Provider Eligibility Transition*, issued June 26, 2015 https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=5816
9. TEGL No. 41-14, Change 1, *WIOA or Opportunity Act Title I Training Provider Eligibility Transition*, issued November 24, 2015
https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=9865
10. TEGL No. 3-15, *Guidance on Services Provided through the Adult and Dislocated Worker Program under the WIOA or Opportunity Act and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services*, issued July 1, 2015
https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7953
11. Training and Employment Notice (TEN) No. 1-15, *Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide*, issued July 6, 2015 https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3182
12. TEGL No. 4-15, *Vision for the One-Stop Delivery System under the WIOA*, issued August 13, 2015 https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6455



Adult Program Eligibility and Priority of Service Policies and Procedures

I. Intake and Participant File Contents

A. Intake System

American Job Center customers can access self-service and/or information-only activities without having to register. If a customer receives assistance beyond this, the customer is required to register for a WIOA program and meet associated eligibility requirements.

1. **Programs Requiring Eligibility Certification**

The following WIOA program applicants require eligibility certification:

- a. Adult-funded – individuals, 18 years and older, who meet the general eligibility requirements and who apply for access to staff-assisted Core B/Intensive and/or Training services;
- b. Dislocated Worker-funded – individuals 18 years and older, who meet the definition of a dislocated worker, will have access to staff-assisted Core B/Intensive and/or Training services;
- c. Youth-funded – youth ages 14–21, who meet low-income guidelines and barrier requirements served through contracted service providers;

2. **Registration**

There is an important distinction between registration and participation, they are two separate actions in the process. Individuals who are primarily seeking information are not treated as participants and their self-service or information search requires no registration. When an individual seeks more than minimal assistance from staff, the persons' eligibility for program services must be determined and he or she registered, if eligible.

According to the WIOA Regulations, § 680.110 (a) "Registration is the process of collecting information to support a determination of eligibility." However, in addition to eligibility determination, "Registration" also refers to enrolling an individual into Hawaii's Participant Management Information System (PMIS). Therefore, the registration process begins with WIOA eligibility certification and ends with enrollment into WIOA Title I Adult, Dislocated Worker or Youth Program(s).

- a. Adults who receive services funded under Title I other than self-service or informational activities must be registered and determined eligible and must



Adult Program Eligibility and Priority of Service Policies and Procedures

be a participant.¹

- b. Employment Opportunity data must be collected on every individual who is interested in being considered for WIOA Title I financially assisted aid, benefits, services, or training by a recipient, and who has signified that interest by submitting personal information in response to a request from the grant recipient or designated service provider.²

Collection of information during the eligibility certification process may be accomplished through methods that include electronic data transfer, personal interview, or an individual's application. Once eligibility certification is complete and the individual is certified eligible, then registration/enrollment into Hawaii's WIOA case management system is required and he/she becomes a participant who will count in the WIOA performance measures.

One-Stop operators, adult, dislocated worker and youth service providers must ensure that a well-developed eligibility certification system is maintained that is sufficient to guard against serving ineligible participants. Registration/enrollment of ineligible participants in WIOA programs may result in disallowed costs for the County, the AJC operator(s), or contracted adult, dislocated worker or youth service providers and may negatively affect performance standards.

3. Procedures for Exiting Ineligible Participants

Each service provider is responsible for taking immediate action to exit participants who, subsequent to enrollment, are discovered to be ineligible due to having established WIOA eligibility by providing false information or fabricated documentation, as well as any who are found ineligible during a subsequent monitoring review, due to staff error.

If the ineligibility is not the result of the applicant falsifying information, the service provider must make every attempt to assist the individual in obtaining applicable WIOA universal services, or services provided through partner organizations' resources, and/or through referrals to other local training providers, in order to reduce any negative effects of the exit from training or services. A letter verifying the exit from the program must be sent to the participant, with a copy maintained in their file and a notation of the details of the exit indicated in electronic and hard copy case notes.

4. Participation

Participation occurs after registration when an individual begins receiving WIOA staff-assisted services and is included in performance calculations for the primary indicators of performance.

¹ 20 CFR § 680.110(b)

² 20 CFR § 680.110(c)



Adult Program Eligibility and Priority of Service Policies and Procedures

Once determined eligible, the employment counselor must assist the customer with completing all required data elements on the intake form in the Hawaii's PMIS and sign and date it with the customer.

5. Other Funds

The purpose of reporting by fund source is to enable required accountability for funds appropriated for adults, dislocated workers, and youth, as identified by the WIOA. Requirements for coordination of WIOA training funds and other grant assistance limits training funds to participants who are unable to obtain grant assistance from other sources to pay the cost of training or require assistance beyond that available under grant assistance from other sources to pay the costs of training.

To ensure WIOA participants have access to the maximum financial resources available for training and support services, service providers should encourage and assist participants, when appropriate, to apply for Pell Grants, other education-related forms of financial aid. Documentation of application for Pell Grants should be contained in the participant's file. Unavailability of Pell Grants should be noted in the participant's case notes.

The WIOA funding source/programs screen, on HireNet, collects information in two broad categories: one for the provision of services, and the other for partner services. Service providers should first indicate which WIOA funding source(s) is/are being used to provide services to the participant. Second, other one-stop partner program under which the WIOA participant is also receiving services should be noted. A resource plan should be developed for each participant to identify and track the exact mix of funds to be used to pay for training and supportive services. The resource plan may be modified if future funding becomes available that is more appropriate and/or takes priority over the original resource plan. Additionally, service providers must ensure that WIOA funds are not used to pay for training or services covered by other sources.

B. Participant Files

Effective control and management of WIOA programs requires accurate and timely record keeping. Valid data provides necessary information to managers regarding the effectiveness of current programs and facilitates planning of future programs. HireNet is presently the state's recognized data system for WIOA performance, data validation, and participant information.

1. Maintaining Adequate Information

All information pertaining to WIOA participants, including activities,



Adult Program Eligibility and Priority of Service Policies and Procedures

beginning and ending dates, participant status, and any other information

required to be reported in HireNet for all participants who receive services from the service provider, must be entered on the HireNet by Service Provider staff or contractor staff **within two business days** of the time information is available for entry on the HireNet.

An internal controls policy must be developed and maintained on the topic of deleting participants from HireNet. The policy must directly disallow the manipulation of data for performance or reporting benefit, limit the number of individuals with authority to delete registrations from HireNet, and include a checks and balances process. Reference HireNet Hawaii Bulletin No. 01-11.

2. Required File Contents

Certain information is required by federal regulations and state policy for all WIOA program participants. The following information is required and must be maintained in a **hard copy format** in the permanent case file for each WIOA adult, dislocated worker, National Emergency Grant (NEG), National Dislocated Worker Grant (NDWG), and youth participant:

- a. A signed and dated copy of the WIOA Registration Form.
- b. Copies of documentation of eligibility and criteria used for verification of eligibility, unless the information can be retrieved electronically.
- c. A copy of Educational Functioning Level test scoring sheets that show the date, total score, and grade level equivalent for each test.
- d. Written notice of exit for an ineligible participant (if appropriate).
- e. Equal Opportunity is the Law statement signed by the participant or a signed acknowledgement that the participant received a copy of the statement.

The following information is not required to be maintained in a hard copy format in the permanent file for each WIOA participant, provided there is an **electronic format** that contains the information which is accessible for review:

- a. ISS/IEP, or Educational Development Plan
- b. Objective assessment results, including the name of the assessment instrument(s) utilized

It is recommended that a local procedure for a standardized file structure be implemented. Benefits of a standardized file structure include:



Adult Program Eligibility and Priority of Service Policies and Procedures

- a. Consistency among counselors
- b. Assistance in providing Priority of Service
- c. Established procedures for obtaining relevant documentation for WIOA eligibility
- d. Differentiation between eligibility and data validation
- e. Simplification of internal and external monitoring

3. Eligibility Determination

Eligibility for services relates to local determinations about the individual's need for and ability to benefit from services. A WIOA participant is an individual determined to be eligible to participate and who receives one or more WIOA-funded service(s) in an American Job Center or an affiliate office.

The WIOA registration must reflect information as of the date the form is completed, either on HireNet or using the applicable WIOA Registration Form. The signature and date of the intake worker on the registration form means that the intake worker has reviewed the registration information, made a determination of eligibility, and indicated that the individual is eligible or ineligible.

The WIOA gives the state the authority to establish policies and procedures relating to verifying WIOA eligibility, as long as the policies and procedures are consistent with the WIOA, the WIOA regulations, and other federal statutes. The Counties must establish policies and procedures to verify and document participant eligibility for WIOA programs.

County policy for verifying and documenting eligibility shall identify acceptable eligibility documentation. All documentation must be retained in the participant's file.

A Federal Service and Programs Eligibility Matrix, developed by Social Policy Research Associates for the U.S. Department of Labor's (USDOL) Employment and Training Administration (ETA), includes detail on eligibility requirements and documentation for over 40 federal programs. The matrix can be sorted by 'age,' 'income,' and 'demographics.'

A link to download the matrix can be found on Workforce3One's website at: <http://www.onetacademy.mahermaher.org/view/2001319241807319049/info>



Adult Program Eligibility and Priority of Service Policies and Procedures

While the matrix has not yet been updated for the WIOA, it still can serve as a useful reference for other federal programs.

4. Individual Service Strategy (ISS) / Individual Employment Plan (IEP)

Adults and dislocated workers who have been determined eligible for a WIOA program may receive career and training services. An Individual Service Strategy (ISS), also known as an Individual Employment Plan (IEP) is required for each adult and dislocated worker participant, (including those utilizing National Dislocated Worker Grants funding), who receives individualized career and training services. Although the terms IEP and ISS were previously used interchangeably under WIA, under WIOA, the term IEP is used for adults and dislocated workers, and the term ISS is used specifically for youth.

For adults and dislocated workers, the IEP is an individualized career service that is jointly developed by the participant and the case manager. The plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve employment goals.

WIOA enhances the youth program design through an increased emphasis on individual participant needs by adding new components to the objective assessment and individual service strategy. WIOA incorporates career pathways as part of both the objective assessment and development of the ISS. In addition, the ISS must directly link to one or more of the performance indicators.

A youth who has been determined eligible under the WIOA may receive services and/or training. An objective assessment and ISS are required for each youth participant. The ISS is to be regularly updated as needed. Additionally, local youth programs should provide preparation for post-secondary education opportunities, linkages between academic and occupational learning, preparation for employment, and effective connections to intermediary organizations that provide strong links to the job market and employers.

II. Services for Adults and Dislocated Workers

A. Definitions

1. **Basic Skills Deficient** –Section 3(5) of WIOA defines “basic skills deficient” as an individual:



Adult Program Eligibility and Priority of Service Policies and Procedures

- a. Who is a youth (18-24), that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
 - b. Who is a youth or adult that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.
2. **Case Notes** Paper or electronic statements by the case manager that identifies, at a minimum:
- a. a participant's status for a specific data element;
 - b. the date on which the information was obtained, and
 - c. the case manager who obtained the information.
 - d. These training services could be delivered in person, on-line, or in a blended approach.

If case notes are used as a documentation source, the case notes must provide an auditable trail back to the source of information verified. The case manager does not need to keep a hard copy of the information verified in the participant's case file.

Example: A case manager verifies an individual is basic skills deficient by viewing school records, specifically, enrollment in a Title II Adult Education/ Literacy program. The case notes must include auditable information, such as the name of the school and the date of enrollment, which could allow an auditor/monitor to later retrieve this information. The case manager would not need to keep a hard copy of the school record in the participant's file [TEGL 06-14, Attachment A].

3. **Completion** is defined as successfully completing an activity and attaining the skills competencies, certification, license, credential, degree, or employment associated with the activity in the customer's employment plan.
4. **Covered Person** as defined in section 2(a) of the Jobs for Veterans Act (JVA) of 2008 means a veteran or eligible spouse. A veteran is defined as a person who served at least one day in the active military, naval, or air service and who was discharged under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). 38 U.S.C. 4215(a).
5. **Eligible Spouse** as defined in section 2(a) of the JVA means the spouse of any of the following individuals:
 - a. Any veteran who died of a service-connected disability;
 - b. Any member of the armed forces on active duty who, at the time of the spouse's application, is listed in one or more of the following categories and has been so listed for more than 90 days:
 - i. Missing in action;



Adult Program Eligibility and Priority of Service Policies and Procedures

- ii. Captured in the line of duty by a hostile force; or
 - iii. Forcibly detained or interned in the line of duty by a foreign government or power.
 - c. Any Veteran who has a total disability resulting from a service-connected disability; or
 - d. Any Veteran who died while a disability was in existence.
- 6. **Exit** is defined [20 CFR, Section 677.150] as the status of a customer who has not received a WIOA service for 90 days and for whom no future services are planned. “Service” does not include self-service, information-only activities or follow-up services. AJC staff may “close” a case and enter completion and employment information in HireNet, but “exits” occur automatically after 90 days of no service.
- 7. **In-demand** refers to occupations, industry sectors or clusters, or career pathways that have been identified in the state, regional, and/or local Workforce Development Plan as emerging, growing, a priority for local workforce partners, or otherwise having the best job prospects due to the workforce needs or hiring demands of employers.
- 8. **Individuals with barriers to employment** [20 CFR Section 680.320] include those individuals in one or more of the following categories: displaced homemakers; low-income individuals; Indians, Alaska Natives and Native Hawaiians; individuals with disabilities; older individuals; ex-offenders; homeless individuals; youth who are in or have aged out of the foster care system; individuals who are English learners, have low literacy levels, or face substantial cultural barriers; eligible migrant seasonal farmworkers (MSFW); individuals within two years of exhausting lifetime eligibility under Temporary Assistance for Needy Families (TANF); single-parents (including single pregnant women); long-term unemployed individuals; and members of other groups identified by the Governor.
- 9. **Low-Income** [WIOA Sec. 3(36)(A)] is defined as an individual that meets one of the four criteria below:
 - a. Receives, or in the past six months has received, or is a member of a family that is receiving assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), program supplemental security income program, or state or local income-based public assistance.
 - b. In a family with total family income that does not exceed the higher of the following:
 - i. The poverty line.
 - ii. Seventy percent of the lower living standard income level.
 - c. Is a homeless individual (as defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), or a homeless child or youth (as defined under Section 725(2) of the McKinney-Vento Homeless



Adult Program Eligibility and Priority of Service Policies and Procedures

Assistance Act (42 U.S.C. 11434a(2));

- d. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
 - e. Is a foster child on behalf of whom state or local government payments are made; or
 - f. Is an individual with a disability whose income meets the income requirement of (2), but who is a member of a family whose income does not meet this requirement.
10. **Pre-apprenticeship Skills Training** is defined (20 CFR 681.480) as a program or set of strategies designed to prepare individuals to enter and succeed in registered apprenticeship programs and has a documented partnership (letter of commitment) with at least one, if not more, approved apprenticeship program sponsor. In Hawaii, the apprenticeship program and its sponsor must be registered (approved) by the Federal Department of Labor (DOL) Office of Apprenticeship or the State Department of Labor and Industrial Relations (DLIR). The federal DOL is responsible for apprenticeship programs on federal property such as Pearl Harbor Navy Shipyard, and the State DLIR is responsible for other apprenticeship programs. For a list of construction and non-construction apprenticeship programs and their sponsors that are registered (approved) by the State DLIR, go to:
<http://labor.hawaii.gov/wdd/home/job-seekers/apprenticeship/type-of-apprenticeships-available/>
- Such pre-apprenticeship programs should possess or develop a record of enrolling their pre-apprenticeship graduates into a registered apprenticeship or other types of employment and training programs serving target populations.
11. **Priority of Service** means, with respect to any qualified job training program, that a *covered person* shall be given priority over a *non-covered person* for the receipt of employment, training and placement services provided under that program, notwithstanding any other provisions of the law.
12. **Program of Training Services** is defined (20 CFR Section 680.420) as one or more courses or classes, or a structured regimen that leads to one of the following:
- a. A recognized post-secondary credential, secondary school diploma or its equivalent.
 - b. Employment.
 - c. Measurable skill gains toward such a credential or employment.
 - d. These training services could be delivered in person, on-line, or in a blended approach.
13. **Public assistance** –Section 3(50) of WIOA defines public assistance as Federal, state, or local government cash payments for which eligibility is determined by a needs or income test.



Adult Program Eligibility and Priority of Service Policies and Procedures

14. **Supportive Services Definition** –Section 3(59) of WIOA defines supportive services as services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized by WIOA.
15. **WIOA Registration** is defined as the process for collecting information to support a determination of eligibility. This information may be collected through methods that include electronic data transfer, personal interview, or an individual’s application. Individuals are considered participants when they have received a Workforce Innovation and Opportunity Act (WIOA) service other than self-service or information-only activities and have satisfied all applicable programmatic requirements for the provision of services, such as eligibility determination (see § 677.150(a) of this chapter). [20 CFR § 680.110]

B. Eligibility for Adults and Dislocated Workers

1. Policy

Section 3(2) of WIOA defines an “adult” as an individual who is age 18 or older. All participants must be a United States citizen or noncitizen authorized to work in the U.S. Males must also meet the additional requirement of registration for Military Selective Service (MSS) if born on, or after, January 1, 1960. See Appendix 1.

2. Required Employment and Training Activities

WIOA removed the sequence of service requirement established under WIA, which required that an individual complete an intensive service before receiving training services. Other than a determination of need made using an employment plan, there is no requirement that additional career services be provided before an individual enrolls in training. If individuals are determined to be in need of training consistent with WIOA §134(c)(3), then they may be placed in training services.

WIOA divides required employment and training activities provided by One-Stop operators and One-Stop partners into two categories: career services and training services. The eligibility requirements for services in these categories are different.

C. Career Services

1. Priority

Generally, there are no special eligibility requirements for participation by adults in career services under Section 134(c)(2) of WIOA. However, if the career services provided include services under Section 134(c)(2)(A)(xii) of WIOA (page 17, number 13 on the following list), priority must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. The local board and the Governor will direct



Adult Program Eligibility and Priority of Service Policies and Procedures

the One-Stop operators in the local area with regard to making determinations related to such priority.³ See Appendix 2 for documentation requirements.

Priority of service status is established at the time of eligibility determination and does not change during the period of participation. Priority does not apply to the dislocated worker and youth populations. Additional priority of service provisions outlined below do not apply to Dislocated Worker and Youth programs.

Veterans and eligible spouses continue to receive priority of service among all eligible individuals; however, they must meet the WIOA adult program eligibility criteria and meet the criteria under WIOA Section 134(c)(3)(E) [also 20 CFR §§ 680.600, 680.640, 680.650 and TEGL 3-15]. As described in TEGL 10-09, when programs are statutorily required to provide priority, such as the WIOA Adult Program, then priority must be in the following order:

- **1st Priority** - Covered persons (veterans and eligible spouses) who are:
 - low income [as defined by WIOA Sec. 3(36)], or
 - recipients of public assistance, or
 - who are basic skills deficient.

- **2nd Priority** - Individuals (non-covered persons) who are:
 - low income [as defined by WIOA Sec. 3(36)], or
 - recipients of public assistance, or
 - who are basic skills deficient.

- **3rd Priority** - Veterans and eligible spouses who are:
 - not low income, and
 - not recipients of public assistance, and
 - not basic skills deficient.

- **4th Priority** - Individuals (non-covered persons) who do not meet the above priorities may be enrolled on a case by case basis with documented managerial approval. Local policy should be established to limit the number of adults enrolled in WIOA who are not low income, public assistance recipients, or basic skills deficient generally to not more than 10% of all adults registered in the current program year.

D. Required Career Services

Under WIOA, the WIA core and intensive services are merged into a new category entitled “career services.” The career services category includes basic career services, found at WIOA Section 134(c)(2)(A)(i)-(xi), and individualized career services, found at WIOA Section 134(c)(2)(A)(xii). Basic career services are not subject to the priority of service

³ WIOA Section 134(c)(3)(E)



Adult Program Eligibility and Priority of Service Policies and Procedures

requirement. However, individualized career services and training services are subject to the requirement (Title 20 CFR NPRM Section 680.150).

Career services for adults and dislocated workers must be made available in at least one One-Stop Center in each local area. Services also may be available elsewhere, either at affiliated sites or at specialized centers. For example, specialized centers may be established to serve workers being dislocated from a particular employer or industry, or to serve residents of public housing. [20 CFR § 680.100(B)(1)]

Section 134(c)(2)(A) of WIOA requires that local areas provide services that include, at a minimum:

1. Determinations of whether the individuals are eligible to receive assistance;
2. Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the One-Stop delivery system;
3. Initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs;
4. Labor exchange services, including—
 - a. Job search and placement assistance and, in appropriate cases, career counseling, including—
 - i. Provision of information on in-demand industry sectors and occupations; and
 - ii. Provision of information on nontraditional employment; and
 - b. Appropriate recruitment and other business services on behalf of employers, including small employers, in the local area, which services may include services described in this subsection, such as providing information and referral to specialized business services not traditionally offered through the One-Stop delivery system;
5. Provision of referrals to and coordination of activities with other programs and services, including programs and services within the One-Stop delivery system and, in appropriate cases, other workforce development programs;
6. Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—



Adult Program Eligibility and Priority of Service Policies and Procedures

- a. Job vacancy listings in such labor market areas;
 - b. Information on job skills necessary to obtain the jobs described in (a); and
 - c. Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for such occupations;
7. Provision of performance information and program cost information on eligible providers of training services as described in Section 122, provided by program, and eligible providers of youth workforce development activities described in Section 123, providers of adult education described in Title II, providers of career and technical education activities at the postsecondary level, and career and technical education activities available to school dropouts, under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et. Seq.), and providers of vocational rehabilitation services described in Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);
8. Provision of information, in formats that are usable by and understandable to One-Stop customers, regarding how the local area is performing on the local performance accountability measures and any additional performance information with respect to the One-Stop delivery system in the local area;
9. Provision of information, in formats that are usable by and understandable to One-Stop Center customers, relating to the availability of supportive services or assistance, including:
- a. Childcare, child support, medical or child health assistance under Title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.);
 - b. Benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);
 - c. Assistance through the earned income tax credit under Section 32 of the Internal Revenue Code of 1986
 - d. Assistance under a State program for temporary assistance for needy families funded under part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.); and
 - e. Other supportive services and transportation provided through funds made available under such part, available in the local area;
10. Referral to the services or assistance described in item 9 as appropriate;
11. Provision of information and assistance regarding filing claims for unemployment compensation;



Adult Program Eligibility and Priority of Service Policies and Procedures

12. Assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under WIOA;
13. Services, if determined to be appropriate in order for an individual to obtain or retain employment, that consist of—
 - a. Comprehensive and specialized assessments of the skill levels and service needs, which may include:
 - i. Diagnostic testing and use of other assessment tools; and
 - ii. In-depth interview and evaluation to identify employment barriers and appropriate employment goals;
 - b. Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals;
 - c. Group counseling;
 - d. Individual counseling;
 - e. Career planning;
 - f. Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct;
 - g. Internships and work experiences that are linked to careers;
 - h. Workforce preparation activities;
 - i. Financial literacy services
 - j. Out-of-area job search assistance and relocation assistance; or
 - k. English language acquisition and integrated education and training programs; and
14. Follow-up services, including counseling regarding the workplace, for participants in workforce development activities who are placed in unsubsidized employment, for not less than 12 months after the first day of employment, as appropriate.⁴

⁴WIOA Section 134(c)(2)



Adult Program Eligibility and Priority of Service Policies and Procedures

E. Eligibility for Training Services

Priority

For the receipt of training services, local areas must give priority to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient.

Funds for adult training services under Section 134(c)(3) of WIOA must be used to provide training to adults who:

1. After an interview, evaluation, or assessment, and career planning, have been determined by a One-Stop operator or One-Stop partner, as appropriate, to
 - a. Be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the career services;
 - b. Be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - c. Have the skills and qualifications to successfully participate in the selected program of training services;

Use of Previous Assessment – A One-Stop operator or One-Stop partner is not required to conduct a new interview, evaluation, or assessment of a participant if it determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program.⁵

2. Select programs of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the adults or dislocated workers are willing to commute or relocate; and
3. Are unable to obtain other grant assistance for such training, including such sources as State-funded training funds, Trade Adjustment Assistance, and Federal Pell Grants, or require WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants.⁶ For further information, see the “Individual Training Accounts” policy.

Require assistance – When making the determination about whether an individual requires assistance, a One-Stop operator may take into consideration the full cost of

⁵ WIOA Section 134(c)(3)(A)(ii)

⁶ 20 CFR § 680.210



Adult Program Eligibility and Priority of Service Policies and Procedures

participating in training services, including the costs of dependent care and transportation, and other appropriate costs.⁷

The case file must contain a determination of need for training services under 20 CFR § 680.210 as determined through the interview, evaluation, or assessment, and career planning informed by local market information and training provider performance information, or through any other career service received. There is no requirement that career services be provided as a condition to receipt of training services; however, if career services are not provided before training, the local board must document the circumstances that justified its determination to provide training without first providing the services described in 20 CFR § 680.220.⁸ There is no Federally-required minimum time period for participation in career services before receiving training services.⁹

F. Required Training Services

As defined by Section 134(c)(3)(D) of WIOA, training services may include:

1. Occupational skills training, including training for nontraditional employment;
2. On-the-job training;
3. Incumbent worker training;
4. Programs that combine workplace training with related instruction, which may include cooperative education programs;
5. Training programs operated by the private sector;
6. Skill upgrading and retraining;
7. Entrepreneurial training;
8. Transitional jobs;
9. Job readiness training provided in combination with the other services in this list;
10. Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with any of the other services in this list; and

⁷ WIOA Section 134(c)(3)(B)(i)

⁸ 20 CFR § 680.220(b)

⁹ 20 CFR § 680.220(c)



Adult Program Eligibility and Priority of Service Policies and Procedures

11. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Linkage to Occupations in Demand

Training services provided must be directly linked to an in-demand industry sector or occupation in the local area or the planning region, or in another area to which an adult receiving such services is willing to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.¹⁰

G. Permissible Employment and Training Activities

In addition to the required career and training activities, local areas may provide:

1. Customized screening and referral of qualified participants in training services to employers;
2. Customized employment-related services to employers, employer associations, or other such organizations on a fee-for-service basis;
3. Implementation of a pay-for-performance contract strategy for training services, for which the local board may reserve and use not more than 10% of the total adult or dislocated worker funds allocated to the local area;
4. Customer support to enable individuals with barriers to employment (including individuals with disabilities) and veterans, to navigate among multiple services and activities for such populations;
5. Technical assistance for One-Stop operators, One-Stop partners, and eligible providers of training services, regarding the provision of services to individuals with disabilities in local areas, including the development and training of staff, the provision of outreach, intake, assessments, and service delivery, the coordination of services across providers and programs, and the development of performance accountability measures;
6. Employment and training activities provided in coordination with—
 - a. Child support enforcement activities of the State and local agencies carrying out part D of Title IV of the Social Security Act (42 U.S.C. 651 et seq.);

¹⁰ WIOA Section 134(c)(3)(G)(iii)



Adult Program Eligibility and Priority of Service Policies and Procedures

- b. Child support services, and assistance, provided by State and local agencies carrying out part D of Title IV of the Social Security Act (42 U.S.C. 651 et seq.);
 - c. Cooperative extension programs carried out by the Department of Agriculture; and
 - d. Activities to facilitate remote access to services provided through a One-Stop delivery system, including facilitating access through the use of technology;
7. Activities—
- a. To improve coordination between workforce development activities and economic development activities carried out within the local area involved, and to promote entrepreneurial skills training and microenterprise services;
 - b. To improve services and linkages between the local workforce development system (including the local One-Stop delivery system) and employers, including small employers, in the local area, through services described in this Section; and
 - a. To strengthen linkages between the One-Stop delivery system and unemployment insurance programs;
2. Training programs for displaced homemakers and for individuals training for nontraditional occupations, in conjunction with programs operated in the local area;
3. Activities to provide business services and strategies that meet the workforce development needs of area employers, as determined by the local board, consistent with the local plan, which services—
- a. May be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee-for-service basis or through the leveraging of economic development, philanthropic, and other public and private resources in a manner determined appropriate by the local board; and
 - b. May include—
 - i. Developing and implementing industry sector strategies (including strategies involving industry partnerships, regional skills alliances, industry skill panels, and sectoral skills partnerships);
 - ii. Developing and delivering innovative workforce development services and strategies for area employers, which may include career pathways, skills upgrading, skill standard development and certification for recognized postsecondary credential or other employer



Adult Program Eligibility and Priority of Service Policies and Procedures

use, apprenticeship, and other effective initiatives for meeting the workforce development needs of area employers and workers;

- iii. Assistance to area employers in managing reductions in force in coordination with rapid response activities and with strategies for the aversion of layoffs, which strategies may include early identification of firms at risk of layoffs, use of feasibility studies to assess the needs of and options for at-risk firms, and the delivery of employment and training activities to address risk factors; and
 - iv. The marketing of business services offered under this Title, to appropriate area employers, including small and mid-sized employers;
4. Activities to adjust the economic self-sufficiency standards¹¹ for local factors, or activities to adopt, calculate, or commission for approval, economic self-sufficiency standards for the local areas that specify the income needs of families, by family size, the number and ages of children in the family, and substate geographical considerations;
 5. Improved coordination between employment and training activities and programs carried out in the local area for individuals with disabilities, including programs carried out by:

State agencies relating to intellectual disabilities and developmental disabilities, activities carried out by Statewide Independent Living Councils established under Section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), programs funded under part B of chapter 1 of Title VII of such Act (29 U.S.C. 796e et seq.), and activities carried out by centers for independent living, as defined in Section 702 of such Act (29 U.S.C. 796a); and
 6. Implementation of promising services to workers and businesses, which may include support for education, training, skill upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising.¹²

H. Rule of Construction

Nothing in this policy or in WIOA should be construed to mean an individual is required to receive career services prior to receiving training services.¹³

I. Work Support Activities for Low-Wage Workers

¹¹ See WIOA Section (a)(3)(A)(xii)

¹² WIOA Section 134(d)

¹³ WIOA Section 134(c)(3)(A)(iii)



Adult Program Eligibility and Priority of Service Policies and Procedures

Funds for adults may be used to provide work support activities designed to assist low-wage workers in retaining and enhancing employment. The One-Stop partners of the system shall coordinate the appropriate programs and resources of the partners with the activities and resources provided under Section 134(d)(1)(B) of WIOA [Work Support Activities for Low-Wage Workers].

These activities may include the provision of activities in a manner that enhances the opportunities of such worker to participate in the activities, such as the provision of activities described in this Section during nontraditional hours and the provision of onsite child care while such activities are being provided.¹⁴ Work support activities may also include any activities available under the WIOA adult program in coordination with activities and resources available through partner programs.¹⁵

J. Supportive Services

Funds for adults may be used to provide supportive services to adults who:

1. Are participating in programs with career or training activities; and
2. Are unable to obtain such supportive services through other programs providing such services.¹⁶

K. Needs-Related Payments

Funds for adults may be used to provide needs-related payments to adults who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in programs of training services.¹⁷

L. Priority for Veterans

Covered persons receive priority of service in all Department of Labor-funded training programs under 38 U.S.C. 4215 and described in 20 CFR 1010.¹⁸ A veteran must still meet each program's eligibility criteria to receive services under the respective employment and training program.¹⁹

¹⁴ WIOA Section 134(d)(1)(B)

¹⁵ 20 CFR § 680.140

¹⁶ WIOA Section 134(d)(2)

¹⁷ WIOA Section 134(d)(3)(A)

¹⁸ 20 CFR § 680.650

¹⁹ 20 CFR § 680.650



Adult Program Eligibility and Priority of Service Policies and Procedures

The term “**covered person**” as defined in Section 2(a) of the Jobs for Veterans Act [38 U.S.C. 4215(a)] means a veteran or eligible spouse.²⁰

“**Veteran**” means a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). Active service includes full-time Federal service in the National Guard or a Reserve component.²¹ Active service does not include full-time duty performed strictly for training purposes unless the individual was disabled or died from an disease or injury incurred or aggravated in the line of duty.²²

“**Eligible Spouse**” means the spouse of any of the following:

1. Any veteran who died of a service-connected disability;
2. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days: (I) missing in action, (II) captured in the line of duty by a hostile force, or (III) forcibly detained or interned in the line of duty by a foreign government or power;
3. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
4. Any veteran who died while a disability, as indicated in paragraph 3 (above), was in existence.²³

The term “**priority of service**” means, with respect to any qualified job training program, that a covered person shall be given priority over a non-covered person for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of the law.²⁴

For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of Veterans Affairs for vocational rehabilitation, disability payments, or related VA- funded programs are not to be considered as income in accordance with 38 U.S.C. 4213 and 20 CFR § 683.230.²⁵ This applies when determining if a person is a “low-income individual” for eligibility purposes (for example, in WIOA youth programs). It also applies when income is used as a factor when the local area provides priority of service for “low income individuals” with Title I WIOA funds.²⁶

²⁰ 38 U.S.C. § 4215(a)(1)

²¹ 38 U.S.C. §§ 101(21), (24)

²² 38 U.S.C. § 101(24)

²³ 38 U.S.C. § 4215(a)(1)(B)

²⁴ 38 U.S.C. § 4215(a)(3)

²⁵ 20 CFR § 680.650

²⁶ 20 CFR § 683.230



Adult Program Eligibility and Priority of Service Policies and Procedures

M. Concurrent Enrollment

Under Section 3 of WIOA, eligible adults are defined as individuals age 18 or older.²⁷ WIOA defines eligible youth as 14 through 21 years of age, if in-school youth,²⁸ and 16 through 24, if out-of-school youth.²⁹ Thus, individuals between the ages of 18 through 24 [at registration] may be eligible for both adult and youth programs.

1. Eligible individuals who are 18 through 24 years old [at registration] may participate in adult and youth programs concurrently. Such individuals must be eligible under the youth and adult/dislocated worker eligibility criteria applicable to the services received. Local program operators should determine the appropriate level and balance of services under the youth and adult programs. This determination should be driven by program design and services provided.³⁰
2. Local program operators must identify and track the funding streams which pay the costs of services provided to individuals who are participating in youth and adult/dislocated worker programs concurrently, and ensure that services are not duplicated.³¹

A local program should determine the appropriate program for the participant based on the service needs of the participant and if the participant is career-ready based on an objective assessment of their occupational skills, prior work experience, employability, and participants needs as required in Section 129(c)(1)(A) of WIOA.³²

N. Application Time Limit

Presently HireNet is used by all of the American Job Centers in Hawaii to collect data items of several of the One-Stop partners. The WIOA Application Date is the date when the WIOA Application is created. When entering it on HireNet, it cannot be a date in the future. The WIOA Participation Date is the date following a determination of eligibility (when necessary) to participate in the program when the individual begins receiving a service funded by the program in either a physical location (American Job Center) or remotely through electronic technologies. It counts as the official point when the participant begins counting in performance measures.

Under this policy, if over 90 days elapse between the WIOA Application Date and the WIOA Participation Date, then the application will be closed. Even with the 90-day limit, there are several items on HireNet that must be verified and updated (when appropriate) at the date of WIOA participation including: Education Level; School Status, Employment Status, Enrolled in Education at participation, Unemployment

²⁷ WIOA Section 3(2)

²⁸ WIOA Section 129(a)(1)(C)

²⁹ WIOA Section 129(a)(1)(B)

³⁰ 20 CFR § 681.430(a)

³¹ 20 CFR § 681.430(b)

³² 20 CFR § 681.440



Adult Program Eligibility and Priority of Service Policies and Procedures

Compensation, and Age at Participation. A youth's dropout status must be verified at the time of WIOA youth program enrollment.³³

O. Nondiscrimination

Section 188 of WIOA provides that no individual may be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief.³⁴

Participation in programs and activities must also be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States. Individuals with employment authorization may access any WIOA services for which they otherwise would qualify.³⁵

P. Verification of Lawful Presence

Each agency responsible for determining eligibility for WIOA benefits is required to:

1. Have each applicant for WIOA services attest that he or she is a U.S. citizen or a qualified alien.
 - If in the above Step 1, the applicant indicates he or she is an alien, then complete Step 2 as follows:
2. Verify his or her lawful presence in the United States using the SAVE (Systematic Alien Verification for Entitlements) Program operated by the U.S. Department of Homeland Security.

Q. Enforcement of Military Selective Service Act

Local programs shall ensure that each individual participating in any program established under Title I of WIOA or receiving any assistance or benefit under such Title, has not violated Section 3 of the Military Selective Services Act (50 U.S.C. App. 453) by not presenting and submitting to registration as required pursuant to such Section.³⁶

³³ 20 CFR § 681.240

³⁴ WIOA Section 188(a)(2)

³⁵ WIOA Section 188(a)(5)

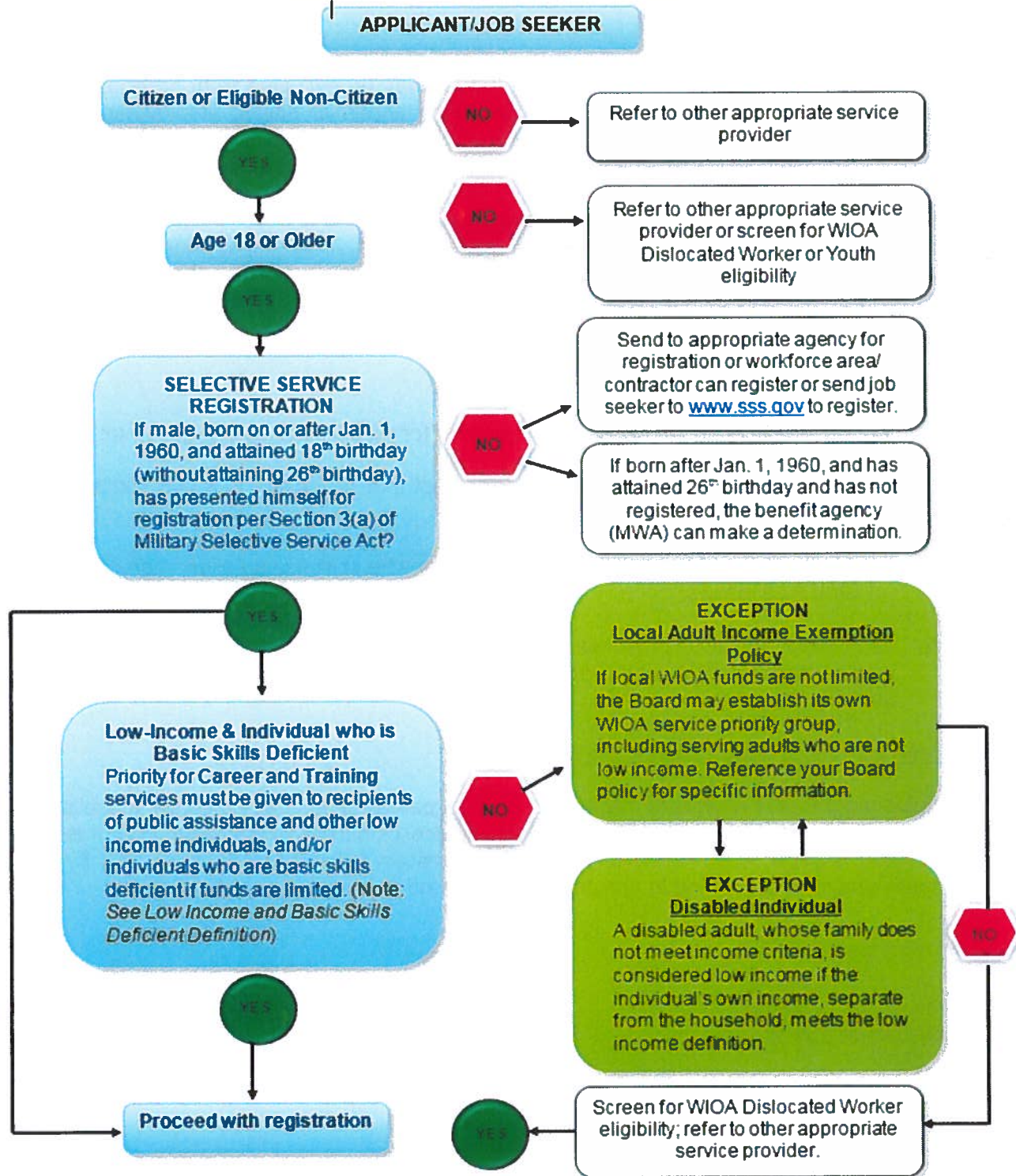
³⁶ WIOA Section 189(h)



Adult Program Eligibility and Priority of Service Policies and Procedures

Appendix 1

WIOA ADULT Eligibility Flowchart





Adult Program Eligibility and Priority of Service Policies and Procedures

Appendix 2

Local Areas may use the following sources of documentation to verify whether an adult participant qualifies for priority of service under WIOA:

PRIORITY OF SERVICE DOCUMENTATION TABLE	
Priority of Service Criteria	Acceptable Documentation (Only the documentation sources listed below may be used.)
1. Recipient of Public Assistance	<ul style="list-style-type: none"> • Cross-match with public assistance database • Copy of authorization to receive cash public assistance • Copy of public assistance check • Medical card showing cash grant status • Public assistance records • Refugee assistance records
2. Low Income	<ul style="list-style-type: none"> • Alimony agreement • Award letter from veteran's administration • Bank statements • Compensation award letter • Court award letter • Pension statement • Employer statement/contact • Family or business financial records • Housing authority verification • Pay stubs • Public assistance records • Quarterly estimated tax for self-employed persons • Social Security benefits • Unemployment Insurance documents • Self attestation*
3. Basic Skills Deficient	<ul style="list-style-type: none"> • School Records <ul style="list-style-type: none"> ○ A referral or records from a Title II Basic Adult Education program or English Language Learner program • Results of academic assessment • Case notes* • Self-Attestation*
<p>*Please reference the definition section of this directive for additional guidance on case notes or self-attestation being used for documentation purposes.</p>	

